

BOUNDARY LINE ADJUSTMENT BY AGREEMENT
ARTICLE 2, CHAPTER 31, TITLE 15.2
(Incorporates changes through 2006 General Assembly Session)

I. Eligibility

This article authorizes any two contiguous localities to effect a voluntary boundary adjustment.

II. Basis for Adjustment

(Sec. 15.2-3106, Code of Va.)

A. Agreement by a municipality and a county to relocate or change the boundary line between them.

1. There are no statutory restrictions as to the size or character of the land area involved, the reason or basis for the agreement, or the frequency of such adjustments.

III. Procedure for Initiating Action

(Secs. 15.2-3107 and 15.2-3108, Code of Va.)

A. Each affected locality advertises their intention to adopt an agreement to relocate or change the boundary between them.

1. The advertisement shall include a general description of the agreement and a description of the revised boundary line.
 - a. For the advertisement, the new boundary line description is not required to be a metes and bounds description.
2. The advertisement shall include a statement that a copy of the proposed agreement is available for public review in the office of the clerk of each affected locality.

B. After the required public notice, each affected locality holds at least one public hearing on the agreement prior to its adoption.

C. After the adoption of the agreement by both localities, each jurisdiction petitions the circuit court of one of the affected political subdivisions to approve the boundary agreement.

1. The petition should also set forth the facts pertaining to the desire to relocate the boundary and describe by metes and bounds the new boundary line as agreed upon by the localities.

IV. Court Proceedings

(Sec. 15.2-3108, Code of Va.)

- A. A single judge, not a special three-judge court, reviews the boundary change petition.
 - 1. Review by the Commission on Local Government is not required if the jurisdictions agree on the location of the new boundary line.
- B. The court, after hearing the evidence, enters an order establishing the new boundary line.
 - 1. The only standards for the court to employ in determining whether the order establishing the new boundary line should be entered are that the affected localities complied with the advertising requirements of Section 15.2-3107, Code of Virginia and that the petition to the court is in proper order.
 - 2. There are no provisions for intervention by other parties.

V. Authorized Scope of Agreements

- A. Agreements developed under this article are expected to be restricted to boundary adjustments. If agreements for boundary adjustments include provisions regarding revenue sharing or with respect to annexation, immunity, or transition rights of the jurisdictions, they are subject to the review by the Commission on Local Government and by a special three-judge court as set forth in Section 15.2-3400, Code of Virginia.

VI. Limitations on Use

- A. There are no statutorily prescribed intervals between successive uses of this boundary process by localities.
- B. Use of this boundary adjustment process does not restrict or affect a locality's use of the annexation process set forth in Chapter 32, of Title 15.2, Code of Virginia.

Staff
Commission on Local Government
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